



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

N00236.000001
ALAMEDA POINT
SSIC NO. 5090.3

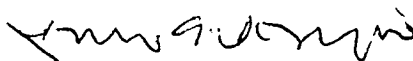
5090
Ser 06CA.LO/624
28 Jul 00

From: Commander, Southwest Division, Naval Facilities Engineering Command
To: Distribution

Subj.: NAVY RESPONSES TO REVIEW COMMENTS ON DRAFT PROPOSED PLAN AND INTERNAL DRAFT REMEDIAL ACTION PLAN/RECORD OF DECISION FOR THE MARSH CRUST AND GROUNDWATER AT FLEET INDUSTRIAL SUPPLY CENTER, ALAMEDA FACILITY ALAMEDA ANNEX AND FOR THE MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT.

Encl.: (1) Navy responses to comments from Department of Toxic Substances Control
(2) Navy responses to comments from United States Environmental Protection Agency
(3) Navy responses to comments from Ms. Mary Sutter of Alameda Point Restoration Advisory Board

1. Enclosure (1), (2) and (3) are forwarded for your information and use.
2. We have resolved most of the above comments with the reviewers and the Navy responses have been incorporated in the Proposed Plan (PP) and draft Remedial Action Plan/Record of Decision (RAP/ROD) that were released for public comment from June 19, 2000 to July 20, 2000. The public and the US Environmental Protection Agency have submitted comments on the PP and draft RAP/ROD, and we are currently preparing the Navy responses to these comments. The responses will be included in the responsiveness summary of the final RAP/ROD.
3. Should you have any questions regarding this matter, please call me at (619) 532-0969 or Mr. Michael McClelland, BRAC Environmental Coordinator at (619) 532-0965.


LUCIANO A. OCAMPO, PE
Remedial Project Manager
By direction of the Commander

Subj.: NAVY RESPONSE TO REVIEW COMMENTS ON DRAFT PROPOSED
PLAN AND INTERNAL DRAFT REMEDIAL ACTION PLAN/RECORD OF
DECISION FOR THE MARSH CRUST AND GROUNDWATER AT FLEET
INDUSTRIAL SUPPLY CENTER, ALAMEDA FACILITY ALAMEDA
ANNEX AND FOR THE MARSH CRUST AND FORMER SUBTIDAL
AREA AT ALAMEDA POINT

Distribution:

California Department of Toxic Substances Control (Attn.: Ms. Mary Rose Cassa)
California Regional Water Quality Control Board (Attn.: Mr. Brad Job)
United States Environmental Protection Agency (Attn.: Mr. Phillip Ramsey)
Alameda Point Restoration Advisory Board (Attn.: Ms. Mary Sutter)
Alameda County Department of Environmental Health (Attn.: Mr. Larry Setto)
United States Fish and Wildlife Service (Attn.: Mr. Steve Schwarzbach)
National Oceanic Atmospheric Agency (Attn.: Ms. Laurie Sullivan)
Bay Area Air Quality Management District (Attn.: Mr. Julian Elliot)
California Fish and Game (Attn.: Ms. Susan Ellis)
ERM West (Attn.: Mr. Mike Quillin)
Russell Resources, Inc. (Attn.: Mr. Peter Russell)
Catellus Development Corporation (Attn.: Mr. James Adams)
Restoration Advisory board Co-chair (Attn.: Mr. Ken Hansen)
City of Alameda (Attn.: Mr. Jeff Bond)

5090
Ser 06CA.LO/624
28 Jul 00

Blind Copy:
06CA.AK
06CA.MM
06CA.LO
4MG
Chron File

Writer: L. Ocampo, 06CA.LO, 2-0969
Typist: B. Constantin, 06CH.BC, 2-0947



TETRA TECH EM INC.

TRANSMITTAL/DELIVERABLE RECEIPT

Contract No. N62474-94-D-7609

Document Control No. TC . 0271 . 10420

TO: Mr. Richard Selby, Code 02R1
Contracting Officer
Naval Facilities Engineering Command
Southwest Division
1230 Columbia Street, Suite 1100
San Diego, CA 92132-5190

DATE: 07/31/00
CTO: 0271
LOCATION:
Alameda Annex, Alameda
Alameda Point, Alameda

FROM: *Daniel Chow*
Daniel Chow, Program Manager

DOCUMENT TITLE AND DATE:

Navy Responses to Review Comments on Draft Proposed Plan and Internal Draft Remedial Action
Plan/Record of Decision for the Marsh Crust and Groundwater at Fleet Industrial Supply Center
and for the Marsh Crust and Former Subtidal Area at Alameda Point, July 31, 2000.

TYPE: ☐ Contractual Deliverable ☐ Technical Deliverable ☒ Other

VERSION: Final REVISION #: 0
(e.g., Draft, Draft Final, Final)

ADMIN RECORD: Yes ☒ No ☐ CATEGORY: Confidential ☐

SCHEDULED DELIVERY DATE: 07/31/00 ACTUAL DELIVERY DATE: 07/31/00

NUMBER OF COPIES SUBMITTED TO NAVY: 0/5C/8E
O = original transmittal form
C = copy of transmittal form
E = enclosure

COPIES TO: (Include Name, Navy Mail Code, and Number of Copies)

NAVY:	TtEMI:	OTHER:
L. Ocampo (06CA.LO)	File	Brad Job (RWQCB)
O/1E	1C/1E	1E
M. McClelland (06CA.MM)		Philip Ramsey (U.S.EPA)
1C/1E		1E
M. Pound (4EN.MP)		
1C/1E		
D. Silva (4MG.DS)		
1C/3E		
L. Holloway (03EN.LH)		
1C/1E		
A. Klimek (06CA.AK)		
1C/1E		

Date/Time Received

00 JUL 31 13 34

02710000
COTR



TETRA TECH EM INC.

TRANSMITTAL/DELIVERABLE RECEIPT (continued)

COPIES TO (continued): (Include Name, Navy Mail Code, and Number of Copies)

Navy (continued):

TtEMI (continued):

OTHER (continued):

Larry Setto (Alameda County
Department of Environmental
Health)

1E

Mike Quillin (ERM West)

1E

Mary Rose Cassa
(Department of Toxic
Substances Control Division)

1E

James Adams (Catellus
Development Corporation)

1E

Ken Hansen (RAB Co-chair)

1E

Jeff Bond (City of Alameda)

1E

Steve Schwarzbach (U.S. Fish
and Wildlife Service)

1E

Laurie Sullivan (NOAA)

1E

Julian Elliot (BAAQMD)

1E

Susan Ellis (California Fish
and Game)

1E

Mary Sutter (Alameda Point
Restoration Advisory Board)

1E

Alan Leavitt (Northgate
Environmental Management,
Inc.)

1E

**RESPONSE TO AGENCY COMMENTS ON INTERNAL DRAFT
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR
MARSH CRUST, GROUNDWATER AND FORMER SUBTIDAL AREA
FLEET AND INDUSTRIAL SUPPLY CENTER AND ALAMEDA POINT
OAKLAND, ALAMEDA FACILITY/ALAMEDA ANNEX**

This document presents the Navy's responses to comments on the internal draft Record of Decision/Remedial Action Plan (RAD/ROP) and Proposed Plan at the Fleet and Industrial Supply Center and Alameda Point, Oakland Alameda Facility/Alameda Annex. The comments addressed in the following text were received from Mary Rose Cassa, R.G., Engineering Geologist, Office of Military Facilities, Department of Toxic Substances Control (DTSC) on June 5, 2000.

RESPONSE TO DTSC COMMENTS

1. Comment: Proposed Plan – General Comment

Please check the masthead for accurate location information.

Response: The title read as follows "Proposed Plan Marsh Crust and Shallow Groundwater at Alameda Facility Alameda Annex, and Marsh Crust and Former Sub-tidal Area at Alameda Point, Alameda, California".

2. Comment: Proposed Plan – General Comment

Please ensure that the Proposed Plan and ROD/RAP clearly indicate that only the Covenant is the remedy for marsh crust and related deposits. Reference to the City's ordinance is contained in the draft Covenant.

Response: Plan has been edited.

3. Comment: Proposed Plan – General Comment

Please ensure that discussions of human health and ecological risk assessment include both the FISC Annex and Alameda Point.

Response: Page 5 now reads: "An ecological risk assessment (ERA) was conducted to evaluate whether contamination left over from past industrial activities is harming animals that may use the facility. The ERA concluded that the sites pose little or no risk because the habitat is unsuitable and because animals are unlikely to be exposed to groundwater at Alameda Facility/Alameda Annex. Contaminants contained in the marsh crust and subtidal area are too deep to affect plants and animals at Alameda Facility/Alameda Annex and Alameda Point. The ERA also assessed whether shallow groundwater could affect marine life in the Oakland Inner Harbor. The assessment concluded that contaminants of concern in shallow groundwater would not move beyond the boundaries of

Alameda Facility/Alameda Annex at concentrations that would cause adverse impacts to plants, animals, or people.”

4. **Comment:** Proposed Plan – Page 1, Column 1, Paragraph 1

Please change “future land use” to “certain activities.” Please exclude groundwater monitoring from the remedy. Monitoring is part of the evaluation of the effectiveness of the remedy.

Response: Plan has been edited to clarify this point.

5. **Comment:** Proposed Plan – Page 1, Column 2, Paragraph 2

Please reword “in consultation with” as follows: “. . . The Navy, EPA, and DTSC will select . . .”

Response: Plan has been edited.

6. **Comment:** Proposed Plan – Page 1, Column 2, Paragraph 3

Please reword the second sentence as follows: Either (1) “The Navy believes that this Proposed Plan and Record of Decision/Remedial Action Plan comply with [CERCLA] and the California Hazardous Substance Account Act (Division 20, Chapter 6.8 of the California Health and Safety Code), and [etc.];” or (2) “This cleanup, conducted pursuant to the Navy’s environmental cleanup program, complies with [CERCLA] and the California Hazardous Substance Account Act (Division 20, Chapter 6.8 of the California Health and Safety Code), and [etc.].”

Response: Now reads: “The Navy’s environmental cleanup complies with [CERCLA] and the California Hazardous Substance Account Act (Division 20, Chapter 6.8 of the California Health and Safety Code), and [etc.].”

7. **Comment:** Proposed Plan – Page 2, Column 2, Paragraph 1

Please consider using more specific terms in place of “the southern portion of the area” and “the northern portion.”

Response: Too detailed for this report. It does not serve the purpose of the report to provide more detail here.

8. Comment: Proposed Plan – Page 2, Column 2, Paragraph 2

Please clarify the use of “Alameda Point;” for example: “The air station was renamed Alameda Point by the City of Alameda, which is negotiating a conveyance of the property to the City from the Navy.”

Response: Plan has been edited to clarify this point.

9. Comment: Proposed Plan – Page 2, Column 2, Paragraph 2

Please consider reorganizing the second sentence as follows: “Alameda Point was created by filling existing tidelands, marshlands, [etc.].” Please also note that filling continued during the Navy’s occupation of the property.

Response: This comment was not incorporated because it would require using the passive voice, which should be avoided as much as possible.

10. Comment: Proposed Plan – Page 2, Column 3

Although grammatically correct, “From where . . .” sounds awkward. Please consider using a more conversational construction: “Where does drinking water come from?”

Response: This comment was not implement. Instead, the grammatically correct language was retained.

11. Comment: Proposed Plan – Page3, Columns 1 and 2

Community members may ask questions about PAH other than that contained in marsh crust. These questions can be addressed proactively if the site description includes that information.

Response: Discussion of other PAHs was outside the scope of this plan and ROD.

12. Comment: Proposed Plan – Page 3, Column 1, Paragraph 1

Please replace “trapped area” with “trapped material.”

Response: Completed.

13. Comment: Proposed Plan – Page 3, Column 1, Paragraph 2

Please reword the last sentence as follows: “. . . namely PAHs and TPH at depth . . . “

Response: Now reads: “namely PAH and TPH below ground” because “at depth” would not be clear for general public.

14. Comment: Proposed Plan – Page 3, Column 1, Paragraph 3

Please reword the first sentence as follows: “The PAH and TPH associated with the marsh crust . . .” Please ensure consistency between the PP and ROD/RAP; e.g., marsh crust at 6 feet bgs in the PP versus 8 feet bgs in the ROD/RAP.

Response: Completed. Now reads 8 feet bgs in both documents.

15. Comment: Proposed Plan – Page 3, Environmental Cleanup

Please consider rewording as follows: “. . . the Navy is preparing cleanup proposals for other sites . . .”

Response: Completed; much clearer than before.

16. Comment: Proposed Plan – Page 3, Column 3

Risk Assessment: Please add the following to the paragraph beginning “Direct contact:” “Nor is it anticipated to serve as a future source of drinking water. Incidental contact may occur in the irrigation/car wash scenario.”

Response: Now reads: “. . .is not currently designated as source of drinking water, nor is it anticipated to be in the future. Contact could occur if used for car washing or irrigation.”

17. Comment: Proposed Plan – Page 4, Column 1, Alternative 1

Please add “with no controls on disposition” to the last sentence.

Response: Comment was not implemented. The sentence would become unclear for the general public.

18. Comment: Proposed Plan – Page 4, Column 1, Alternative 2

Please ensure the Land Use Covenant is listed first. This should be followed by the statement, “DTSC may not compel the City to adopt or enforce any ordinance. DTSC will enforce the remedy should the City rescind the

ordinance or otherwise render it ineffective.. The City's ordinance buttresses the remedy and serves as a means to enforce the remedy."

Response: Plan (and ROD) was edited to clarify this point.

19. Comment: Proposed Plan – Page 4, Column 2, Alternative 3

Please add the following to the description of Alternative 3: "Finally, it would unnecessarily delay productive use of the property for at least four years."

Response: Completed.

20. Comment: Proposed Plan – Page 4, Column 3, bottom

Please consider deleting either "drinking" or "consumption." Please replace "prevent" with "control."

Response: Completed.

21. Comment: Proposed Plan – Page 6

Please ensure RAB meeting times are correct.

Response: Changed, Alameda Point RAB meetings are from 6:30 to 9:00 p.m.

22. Comment: ROD/RAP – General Comment

Please ensure it is clear that marsh crust (and East Housing) were excluded from the NPL listing for Alameda Naval Air Station.

Response: This editorial change has been made.

23. Comment: ROD/RAP – General Comment

Please ensure it is clear that there will be two covenants: one between DTSC and the City of Alameda for the FISC Annex and East Housing, and one between DTSC and the Navy for the remainder of affected property at Alameda Point.

Response: Only the covenant between DTSC and the City of Alameda is drafted at this time, although some discussions regarding a second covenant have been held. In keeping with the scope of this RAP/ROD, and to avoid any confusion, only the DTSC/City covenant is discussed in this RAP/ROD.

24. Comment: ROD/RAP – General Comment

Although not included in the Feasibility Study, the BCT may want to consider adding prohibition of residential use as a remedial alternative.

Response: Prohibiting residential use is contrary to the long-term use of the property intended by all parties, so this RAP/ROD will select a remedy that will allow residential use.

25. Comment: ROD/RAP – Page 1-1, bottom

Please name specific compounds or classes of compounds addressed by this action.

Response: The text has been modified to include SVOCs.

26. Comment: ROD/RAP – Page 1-2, Paragraph 4

Please delete “in” from the first line in Section 1.4.

Response: This editorial change has been made.

27. Comment: ROD/RAP – Page 1-3, Paragraph 1

Please consider replacing “subtidal area” with “subtidal deposits” in this particular instance.

Response: During the 6/8/00 conference call with Navy and DTSC, it was agreed to change “subtidal area” to “subtidal area deposits” where appropriate throughout the document.

28. Comment: ROD/RAP – Page 1-3, Paragraph 4

**Please reword the first sentence under “Land Use Controls” as follows:
“The Navy, EPA, DTSC, and RWQCB have selected . . .”**

Response: This comment was combined with a comment from EPA. The text now reads “The Navy and DTSC, with the concurrence of EPA and the RWQCB...” where appropriate.

29. Comment: ROD/RAP – Page 1-3, Paragraph 5

Please consider identifying the Covenant to Restrict Use of Property as “Covenant” for future reference in the text. By doing this, later references to the Covenant will not have to specify the difference between the DTSC-City covenant and the DTSC-Navy covenant (e.g., the last paragraph on this page.)

Response: As discussed in general comment #23 above, the scope of this RAP/ROD does not include the as yet to be negotiated second covenant between the Navy and DTSC for the remaining Alameda Point property. Therefore, the references to “Covenant” will only pertain to the DTSC/City covenant.

30. Comment: ROD/RAP – Page 1-3, Paragraph 6

Please change “transfers” in the first line to “transfer.”

Response: This editorial change has been made.

31. Comment: ROD/RAP – Page 1-3, Paragraph 7

Please delete the second occurrence of “enacted” in the first line. See also comment 28 above.

Response: The language has been replaced so this comment is moot.

32. Comment: ROD/RAP – Page 1-4, Paragraph 1

Please change as for comment 29 above.

Response: In the 6/8/00 conference call, it was determined that this comment actually referred to comment # 28, not #29. During the 6/8/00 call, it was agreed to make this change as appropriate throughout the document.

33. Comment: ROD/RAP – Page 1-4, Paragraph 1

Groundwater monitoring is not part of the remedy; monitoring is part of the evaluation of the effectiveness of the remedy.

Response: Groundwater monitoring is included in the remedy based on an earlier agreement between the Navy and DTSC. The RI data and the risk assessment have already shown that groundwater migration is not occurring at Alameda Facility/Alameda Annex. To confirm that, the Navy agreed to limited additional monitoring.

34. Comment: ROD/RAP – Page 1-4, Paragraph 5

Please delete reference to a specific number of years for groundwater monitoring.

Response: This editorial change has been made.

35. Comment: ROD/RAP – Page 1-5

Please add “P.E.” to Anthony Landis’ signature line.

Response: This editorial change has been made.

36. Comment: ROD/RAP – Page 2-1, Paragraph 3

Please provide a more accurate and less circular description of the locations of the two facilities. Please clarify the use of “Alameda Point;” for example, “The air station was renamed Alameda Point by the City of Alameda, which is negotiating a conveyance of the property to the City from the Navy.”

Response: The paragraph has been edited to clarify the site description.

37. Comment: ROD/RAP – Page 2-1, Paragraph 4

Please add the following to Section 2.1.2: “Pursuant to state law, DTSC is the lead regulatory agency for this action.”

Response: This editorial change has been made.

38. Comment: ROD/RAP – Page 2-2, Paragraph 1

Please consider rewording the last paragraph of the Site Description as follows: “. . . the waste was deposited in the tidal zone or former subtidal area.” Please consider deleting “sediment” from the succeeding sentence.

Response: These editorial changes have been made.

39. Comment: ROD/RAP – Page 2-2, Paragraph 4

Please ensure consistency between the PP and ROD/RAP; e.g., marsh crust at 6 feet bgs in the PP versus 8 feet bgs in the ROD/RAP.

Response: A review of the documents has been completed to ensure this consistency .

40. Comment: ROD/RAP – Page 2-3, Paragraph 3

Please correct “NCS” (should be NSC).

Response: This editorial change has been made.

41. Comment: ROD/RAP - Page 2-6, Paragraph 1

Please include the CEQA notification of the Negative Declaration.

Response: The notification was added.

42. Comment: ROD/RAP – Page 2-7, Paragraph 3

Please include a discussion of depths of fill. This would be a good place to include a discussion of PAH other than marsh crust.

Response: Depths of fill for Alameda Facility/Alameda Annex and Alameda Point are discussed just above in the first and second paragraphs of Section 2.5.1 as well as graphically depicted in Figures 3 and 4. PAH contamination is not discussed here because the section is devoted to geology. Contamination is discussed in Section 2.5.3 .

43. Comment: ROD/RAP – Page 2-7, Paragraph 4

Please include depths to ground water.

Response: Depth to groundwater information has been added to Section 2.5.2, Hydrogeology.

44. Comment: ROD/RAP – Page 2-8, Paragraph 4

Please consider using “PAH” instead of “SVOC” (a more general term).

Response: SVOCs is the correct term because it refers to the analytical class of compounds for which the samples were tested.

45. Comment: ROD/RAP – Page 2-8, Paragraph 4

Please include a discussion of depths of fill. This would be a good place to include a discussion of PAH other than marsh crust.

Response: This editorial change has been made.

46. Comment: ROD/RAP – Page 2-9, Paragraph 3

Please include depths to ground water.

Response: Depth to groundwater information will be added to Section 2.5.2, Hydrogeology.

47. Comment: ROD/RAP – Page 2-14, Paragraph 4

Premature line return.

Response: This editorial change has been made.

48. Comment: ROD/RAP – Page 2-19, Bottom

The first bullet under key components of the land use controls alternative describes the DTSC-City covenant, including reference to the City's Ordinance 2824. Please add language to the effect that, in the absence of the ordinance, then permit requests would be directed to DTSC in compliance with this remedy.

Response: The language requested was already in the third paragraph, now entitled "Marsh Crust Ordinance."

49. Comment: ROD/RAP – Page 2-19, Bottom

The second bullet under key components of the land use controls alternative describes Navy deed restrictions. To maintain flexibility, DTSC recommends the Navy consider imposing performance standards instead of adherence to the City's ordinance.

Response: In the 6/8/00 conference call, it was discussed that the environmental restrictions to the deed were still under negotiation between the Navy and the City. This recommendation was taken under advisement.

50. Comment: ROD/RAP – Page 2-20, Top

Please replace "conducted" with "conduct."

Response: This editorial change has been made.

51. Comment: ROD/RAP – Pages 2-24 and 2-26, Top

Please consider adding a bullet to the effect, “Productive use of the property would be delayed at least four years.”

Response: Although this statement may be true, it was agreed on 6/8/00 to leave it out because of its strong bias and the fact that the issue had not been discussed in the FS.

52. Comment: ROD/RAP – Page 2-25, Top

Please include a definition of “GAC.”

Response: This editorial change has been made.

53. Comment: ROD/RAP – Page 2-27, Bottom; Page 2-28, Top

Groundwater monitoring is not part of the remedy; monitoring is part of the evaluation of the effectiveness of the remedy. Please delete reference to a specific number of years for groundwater monitoring.

Response: Groundwater monitoring is included in the remedy based on an earlier agreement between the Navy and DTSC. The RI data and the risk assessment have already shown that groundwater migration is not occurring at Alameda Facility/Alameda Annex. To confirm that, the Navy agreed to limited additional monitoring

54. Comment: ROD/RAP – Page 2-29, 4th Bullet

Please add “or the RWQCB” after “DTSC.”

Response: This editorial change has been made.

55. Comment: ROD/RAP – Page 2-33, Paragraph 1

Please consider adding the following to the Cost analysis: “Furthermore, productive use of the land would be postponed at least four years.”

Response: Although this statement may be true, it was agreed on 6/8/00 to leave it out because of its strong bias and the fact that the issue had not been discussed in the FS.

56. Comment: ROD/RAP – Page 2-33, Paragraph 2; Page 2-35, Paragraph 1

Please delete “concurrence” from the State Acceptance analysis.

Response: This editorial change has been made to the “State Acceptance” sections for both remedies using the language in Comment #28.

57. Comment: ROD/RAP – Figure 5

The 5-foot contour does not appear the same on the map as in the legend. Please consider extending the 5-foot contour rather than letting it die in the middle of the map. Consider using a symbol to denote “estimated” or “interpolated,” if necessary.

Response: This editorial change has been made.

58. Comment: ROD/RAP – Appendix A

Pursuant to the reinstatement of HSC Division 2, Chapter 6.8 (SB 47, retroactive to January 1, 1999), the Statement of Reasons is no longer a requirement for a RAP. DTSC appreciates the Navy providing this appendix. DTSC is providing with these comments the Nonbinding Allocation of Responsibility (on DTSC letterhead), which is still a requirement for a RAP.

Response: The Statement of Reasons has been removed and the Nonbinding Allocation of Responsibility has been added.

59. Comment: ROD/RAP – Appendix B

Please add EBS citations to the Administrative Record Index. Please add key groundwater monitoring reports and the Alameda Point groundwater beneficial use report.

Response: These additions have been made to the Administrative Record Index.

RESPONSE TO COMMENTS ON INTERNAL DRAFT REMEDIAL ACTION PLAN/RECORD OF DECISION (RAP/ROD) FOR MARSH CRUST AND GROUNDWATER AT ALAMEDA ANNEX AND MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT

This document transmits the Navy's responses to comments on the Internal Draft Remedial Action Plan/Record of Decision (RAP/ROD) for Marsh Crust and Groundwater at Alameda Annex and Marsh Crust and Former Subtidal Area at Alameda Point. The comments addressed in the following text were received from the U.S. Environmental Protection Agency.

RESPONSE TO DTSC COMMENTS

1. Comment: Internal Draft – General Comment

The Navy needs to include a statement describing U.S. EPA authority with regards to Marsh Crust at Alameda Naval Air Station. We recommend that text indicate, "For those areas within Alameda Naval Air Station where Marsh Crust is the only contaminant, DTSC is the lead oversight agency for Marsh Crust; however, for areas where Marsh Crust is not the only contaminant (i.e., Installation Restoration or IR sites), U.S. EPA has a necessary concurrence role with the selection of the remedy because the RAP/ROD addresses property which is part of the NPL."

Response: This editorial change has been made.

2. Comment: Internal Draft – Sections 2.9.1. and 2.9.2

Sections 2.9.1, Remedial Alternative for Marsh Crust and Former Subtidal Area and 2.9.2, Remedial Alternatives for shallow Groundwater, pages 2-20 and 2-28/29: The various discussions of Applicable or Relevant and Appropriate Requirements (ARARs) contained in the draft RAP/ROD create several issues. It is not clear whether the Navy is accepting the State's assertions or merely repeating them. If the Navy is asserting that these provisions are ARARs, there needs to be a clear statement that they are either 1) applicable or 2) relevant AND appropriate. The document also needs to clearly describe how the "two stick" approach for enforcing land use restrictions will be implemented. The obligation of the Navy cannot be limited to implementing a series of land use restrictions. The Navy remains responsible for monitoring and enforcing land use restrictions. The Land Use Control Implementation Plan (LUCIP) should make it clear that the Navy retains overall responsibility and although other parties may conduct elements of the monitoring and enforcement program, they are acting as the Navy's agent in so doing. There will be one set of restrictions which will be implemented using two parallel methods/documents.

- a. Although the quoted language from Civil code Section 1471 authorizes the creation of an enforceable legal mechanism to restrict land use which will "run with the land", the Navy extract contains no language referring to a requirement or standard.
- b. The Health and Safety Code Section 25202.5 references are to land use restrictions which may be imposed if DTSC finds that site conditions are appropriate, but there is nothing in the record to indicate such circumstances are present at this site.
- c. The phrase described as the "substantive requirements" of HSC 25222 describe a goal or objective, but are neither a standard nor a requirement.
- d. U.S. EPA does not believe that the cited provisions are ARARs because they do not represent requirements; i.e. they authorize certain actions, in the case of Civil Code Section 1471, or describe certain objectives, in the case of HSC 25222, but do represent "standards or requirements". Although they provide an administrative mechanism for accomplishing certain objectives, including land use restrictions, they are discretionary not mandatory tools. However, while U.S. EPA does not believe that the action is required, U.S. EPA believes that where land use restrictions are needed to protect human health and the environment, the agreement proposed between the Navy, the City of Alameda, and DTSC will contribute to the protectiveness of the remedy by creating an enhanced enforcement role for DTSC.

Response: The issues in this comment have been previously discussed between Navy and EPA during negotiations on the El Toro facility record of decision. Therefore, the Navy has revised the Alameda RAP/ROD to include the "agree to disagree" language developed for El Toro to address these issues.

3. **Comment:** Internal Draft – Section 1.5

Please change the U.S. EPA signature block to "Daniel A. Meer, Chief, Federal Facilities Cleanup Branch."

Response: This editorial change has been made.

**RESPONSE TO COMMENTS ON DRAFT PROPOSED PLAN AND INTERNAL DRAFT
REMEDIAL ACTION PLAN/RECORD OF DECISION (RAP/ROD) FOR MARSH
CRUST AND GROUNDWATER AT ALAMEDA ANNEX AND MARSH CRUST AND
FORMER SUBTIDAL AREA AT ALAMEDA POINT**

This document covers comments by Mary Sutter of Alameda Point Restoration Advisory Board (RAB) regarding the Internal Draft Record of Decision/Remedial Action Plan for the Marsh Crust and Groundwater at the Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex, and for the Marsh Crust and former subtidal area at Alameda Point dated May 5, 2000.

RESPONSE TO COMMENTS

1. Comment: Page 2-9

Please state what the four SVOCs are that showed elevated levels in the soil. (first paragraph).

Response: This text has been modified to remove the reference to four SVOCs. SVOCs in the marsh crust soil were determined not to be COCs because there was no complete pathway for their transport.

2. Comment: Page 2-11

Please delete "...and Alameda Point..." in the last paragraph, three lines up from the bottom. This section is dealing solely with the Alameda Facility/Alameda Annex.

Response: While the statement is technically correct, we feel the inclusion of Alameda Point in that sentence is confusing when the next sentence mentions a basewide study that only deals with Alameda Annex. This paragraph was edited for clarity.

3. Comment: Page 2-14:

In the first paragraph under 2.7.1.3 Toxicity Assessment states that there were no COC's identified for the marsh crust. However, on page 2.9, there were four SVOC's that appeared to be elevated and were evaluated as COC's. This seems to be contradictory statements. It is possible that toxicity assessment discussions do need to be included in the ROD/RAP.

Response: The four SVOCs discussed on page 2-9 were not carried through the COC toxicity assessment because there was no completed exposure pathway.

4. Comment: Page 2-17:

The ERAs are not being discussed here for Alameda Point because "...the marsh crust and former subtidal area are at a depth that prevents a completed exposure pathway for ecological receptors." However, the marsh crust is shown to be 4 feet below ground in some areas, which has potential for ground squirrels, I believe.

Response: The generally accepted depth for risk to burrowing animals ranges from 18 to 24 inches. Contaminated marsh crust at 4 feet below ground surface is not considered a threat to burrowing animals.

5. Comment: Page 2-20:

The second paragraph on this page states that "An LUCIP would...". Please define what a LUCIP is (it was not found earlier in the document).

Response: A detailed description of the Land Use Control Implementation and Certification Plan has been added to the document in Sections 1.4, 2.9.1, 2.9.2, 2.12.1 and 2.12.2.

6. Comment: Page 2-21:

The FS had costs of \$97,440 for Alternative 2 for IC on the Marsh Crust. What happened to this number?

Response: The correct cost is \$ 97,440 and this has been corrected.

7. Comment: Page 2-39: The FS had costs of \$396,859 for Alternative 2 on IC and Groundwater monitoring for Alameda Annex. What happened to this number?

Response: The correct cost is \$ 396, 859 and this has been corrected.

8. Comment: Page 2-42:

There is a five-year review requirement statement on top of this page. The FS indicates that a review will occur every 5 years for 30 years (i.e., 6 times). What is written here does not seem to be that way. It should be corrected to read that a review will occur every 5 years for 30 years. Same thing on page 2-43 for the five-year review requirement.

Response: The language was modified to be consistent with CERCLA Section 121 c, which calls for reviews "no less often than each 5 years after the initiation of such remedial action ...". EPA's latest guidance on 5-year reviews will be consulted with regard to terminating the reviews, at the time the 5-year review report is completed.

9. Comment: Figure 2:

While not a big deal, we suggest changing the color for the 1930-1939 fill placement. It is so close to the color directly next to it as to be almost indistinguishable.

Response: The Figure has been changed.

10. Comment: Table 1:

The summary for ecological/Alameda Point has the same comment from us as for page 2-17. There actually may be potential for ecological risk when the Marsh Crust is very close to the surface.

Response: See response to comment on page 2-17 above.